IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 5375 of 2006

Date of Decision: 13.10.2006

Brij Mohan Gupta ...Petitioner

Vs.

Anil Kumar ...Respondent

CORAM Hon'ble Mr.Justice Vinod K.Sharma

Present: Mr.Yogesh Goyal, Advocate,
for the petitioner.

Vinod K.Sharma, J. (Oral)

Present revision petition has been filed against the order dated 27.5.2006 passed by the learned Trial Court allowing the amendment of the petition by the respondent herein.

By way of amendment the respondent herein sought elucidation and elaboration of the facts which were already pleaded. Learned court below came to the conclusion that the ground of personal necessity has already been pleaded and the amendment sought was only in the nature of clarification and elaboration of facts already pleaded. It was also held that by way of amendment no new ground and fresh cause of action has been pleaded. Therefore, the learned court blow allowed the amendment subject to payment of Rs.1000/- as costs.

The only contention raised by the learned counsel for the

petitioner before the court below was that in view of the amendment in Order 6 Rule 17 of the Code of Civil Procedure (for short the Code) no amendment could be allowed after the commencement of trial. However, the learned court below has rightly held that said amendment was not applicable to the present case as the pleadings in this case was filed prior to the amendment of Order 6 Rule 17 of the Code.

No prejudice has been caused to the petitioner by way of present amendment which may call for any interference by this court in revisional jurisdiction.

Dismissed.

(Vinod K.Sharma)
Judge

13.10.2006
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